

HOUSE BILL No. 1287

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10; IC 6-1.1-20-3.6; IC 8-1.5-2-5; IC 20-23; IC 20-46-1; IC 36-1-1.5-8; IC 36-5; IC 36-10-3-35.

Synopsis: Local public questions. Provides that, for an election held after December 31, 2017, a local public question may not be placed on the ballot at an election held during the year after a presidential election year. Provides that if another Indiana statute permits or requires a local public question to be placed on the ballot at an election held during the year after a presidential election year, the public question shall be placed on the ballot at the next primary or general election held during the following even-numbered year, as determined by the county election board. Provides that a referendum levy put to the voters after December 31, 2015, must be for an even number of years, but not for more than eight years. Provides that if the governing body of a school corporation wants to reimpose or extend a referendum tax levy that would end December 31, 2021, the referendum to reimpose or extend the levy must be put to the voters of the school corporation at an election held not later than 2020.

Effective: January 1, 2016 (retroactive); July 1, 2016.

Richardson

January 12, 2016, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1287

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-31.9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 31.9. "Municipal election year" refers to the**
4 **odd-numbered year before the presidential election year.**
5 SECTION 2. IC 3-5-2-33.2 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2016]: **Sec. 33.2. "Nonelection year" refers to the odd-numbered**
8 **year after the presidential election year.**
9 SECTION 3. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2016]: **Sec. 33.3. "Nonpresidential election year" refers to the**
12 **even-numbered year that is not a presidential election year.**
13 SECTION 4. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2016]: **Sec. 40.4. "Presidential election year" refers to a year in**
16 **which an election for electors for President of the United States is**
17 **held.**



SECTION 5. IC 3-10-8-1, AS AMENDED BY P.L.219-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A special election shall be held in the following cases:

(1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.

(2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.

(3) Whenever a vacancy occurs in the office of United States Representative unless the vacancy occurs less than seventy-four (74) days before a general election.

(4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.

(5) Whenever required by law for a public question. **However, as provided in IC 3-10-9-1.5, a local public question may not be placed on the ballot in a nonelection year after 2017.**

(6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.

(7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than seventy-four (74) days before a general election.

SECTION 6. IC 3-10-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) **Except as provided in IC 20-46-1-11(d), a local public question may not be placed on the ballot in a nonelection year.**

(b) **Except as provided in IC 20-46-1-11(d), if another Indiana statute would permit or require a local public question to be placed on the ballot in a nonelection year, the public question shall be placed on the ballot at the primary election or general election (as determined by the county election board) that occurs in the following nonpresidential election year.**

SECTION 7. IC 6-1.1-20-3.6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local



1 public question process has been filed as set forth in section 3.5 of this
 2 chapter, a political subdivision may not impose property taxes to pay
 3 debt service on bonds or lease rentals on a lease for a controlled project
 4 unless the political subdivision's proposed debt service or lease rental
 5 is approved in an election on a local public question held under this
 6 section.

7 (c) Except as provided in subsection (k), the following question
 8 shall be submitted to the eligible voters at the election conducted under
 9 this section:

10 "Shall _____ (insert the name of the political subdivision)
 11 issue bonds or enter into a lease to finance _____ (insert
 12 a brief description of the controlled project), which is estimated
 13 to cost not more than _____ (insert the total cost of the project)
 14 and is estimated to increase the property tax rate for debt service
 15 by _____ (insert increase in tax rate as determined by the
 16 department of local government finance)?"

17 The public question must appear on the ballot in the form approved by
 18 the county election board. If the political subdivision proposing to issue
 19 bonds or enter into a lease is located in more than one (1) county, the
 20 county election board of each county shall jointly approve the form of
 21 the public question that will appear on the ballot in each county. The
 22 form approved by the county election board may differ from the
 23 language certified to the county election board by the county auditor.
 24 If the county election board approves the language of a public question
 25 under this subsection, the county election board shall submit the
 26 language to the department of local government finance for review.

27 (d) The department of local government finance shall review the
 28 language of the public question to evaluate whether the description of
 29 the controlled project is accurate and is not biased against either a vote
 30 in favor of the controlled project or a vote against the controlled
 31 project. The department of local government finance may either
 32 approve the ballot language as submitted or recommend that the ballot
 33 language be modified as necessary to ensure that the description of the
 34 controlled project is accurate and is not biased. The department of local
 35 government finance shall certify its approval or recommendations to
 36 the county auditor and the county election board not more than ten (10)
 37 days after the language of the public question is submitted to the
 38 department for review. If the department of local government finance
 39 recommends a modification to the ballot language, the county election
 40 board shall, after reviewing the recommendations of the department of
 41 local government finance, submit modified ballot language to the
 42 department for the department's approval or recommendation of any



1 additional modifications. The public question may not be certified by
 2 the county auditor under subsection (e) unless the department of local
 3 government finance has first certified the department's final approval
 4 of the ballot language for the public question.

5 (e) The county auditor shall certify the finally approved public
 6 question under IC 3-10-9-3 to the county election board of each county
 7 in which the political subdivision is located. The certification must
 8 occur not later than noon:

9 (1) seventy-four (74) days before a primary election if the public
 10 question is to be placed on the primary or municipal primary
 11 election ballot; or

12 (2) August 1 if the public question is to be placed on the general
 13 or municipal election ballot.

14 Subject to the certification requirements and deadlines under this
 15 subsection and except as provided in subsection (k), the public
 16 question shall be placed on the ballot at the next primary election,
 17 general election, or municipal election in which all voters of the
 18 political subdivision are entitled to vote. ~~However, if a primary~~
 19 ~~election; general election; or municipal election will not be held during~~
 20 ~~the first year in which the public question is eligible to be placed on the~~
 21 ~~ballot under this section and if the political subdivision requests the~~
 22 ~~public question to be placed on the ballot at a special election; the~~
 23 ~~public question shall be placed on the ballot at a special election to be~~
 24 ~~held on the first Tuesday after the first Monday in May or November~~
 25 ~~of the year. The certification must occur not later than noon~~
 26 ~~seventy-four (74) days before a special election to be held in May (if~~
 27 ~~the special election is to be held in May) or noon on August 1 (if the~~
 28 ~~special election is to be held in November). The fiscal body of the~~
 29 ~~political subdivision that requests the special election shall pay the~~
 30 ~~costs of holding the special election. The county election board shall~~
 31 ~~give notice under IC 5-3-1 of a special election conducted under this~~
 32 ~~subsection. A special election conducted under this subsection is under~~
 33 ~~the direction of the county election board. The county election board~~
 34 ~~shall take all steps necessary to carry out the special election.~~

35 (f) The circuit court clerk shall certify the results of the public
 36 question to the following:

37 (1) The county auditor of each county in which the political
 38 subdivision is located.

39 (2) The department of local government finance.

40 (g) Subject to the requirements of IC 6-1.1-18.5-8, the political
 41 subdivision may issue the proposed bonds or enter into the proposed
 42 lease rental if a majority of the eligible voters voting on the public



question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters:

(A) earlier than three hundred fifty (350) days after the date of the election; **or**

(B) during a nonelection year (as defined in IC 3-5-2-33.2).

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the capital projects were artificially divided.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. ~~If a political~~



subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board; the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters:

(1) earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted; **or**

(2) during a nonelection year (as defined in IC 3-5-2-33.2).

(1) If a public question regarding a controlled project is placed on the ballot to be voted on at a ~~public question~~ **an election** under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

(1) The cost per square foot of any buildings being constructed as part of the controlled project.

(2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.

(3) The maximum term of the bonds or lease.

(4) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(6) The purpose of the bonds or lease.

(7) In the case of a controlled project proposed by a school corporation:

(A) the current and proposed square footage of school building space per student;

(B) enrollment patterns within the school corporation; and

(C) the age and condition of the current school facilities.

SECTION 8. IC 8-1.5-2-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

(1) by education and experience, have such expert and technical knowledge and qualifications as to make a proper appraisal and



valuation of the property of the type and nature involved in the sale;

(2) be a disinterested person; and

(3) not be a resident or taxpayer of the municipality.

(b) The appraisers shall:

(1) be sworn to make a just and true valuation of the property; and

(2) return their appraisal, in writing, to the municipal legislative body within the time fixed by the ordinance or resolution appointing them.

(c) If all three (3) appraisers cannot agree as to the appraised value, the appraisal, when signed by two (2) of the appraisers, constitutes a good and valid appraisal.

(d) If, after the return of the appraisal by the appraisers to the legislative body, the legislative body decides to proceed with the sale or disposition of the nonsurplus municipally owned utility property, the legislative body shall, not earlier than the thirty (30) day period described in subsection (e) and not later than ninety (90) days after the return of the appraisal, hold a public hearing to do the following:

(1) Review and explain the appraisal.

(2) Receive public comment on the proposed sale or disposition of the nonsurplus municipally owned utility property.

Not less than thirty (30) days or more than sixty (60) days after the date of a hearing under this section, the legislative body may adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property, subject to subsections (f) and (g). The legislative body is not required to adopt an ordinance providing for the sale or disposition of the nonsurplus municipally owned utility property if, after the hearing, the legislative body determines it is not in the interest of the municipality to proceed with the sale or disposition. Notice of a hearing under this section shall be published in the manner prescribed by IC 5-3-1.

(e) The hearing on the proposed sale or disposition of the nonsurplus municipally owned utility property may not be held less than thirty (30) days after notice of the hearing is given as required by subsection (d).

(f) Subject to subsection (j), an ordinance adopted under subsection (d) does not take effect until the later of the following:

(1) The expiration of the thirty (30) day period described in subsection (g) if the required number of registered voters set forth in subsection (h) do not sign and present a petition to the legislative body opposing the sale or disposition within the thirty (30) day period described in subsection (g).



(2) The effective date specified by the legislative body in the ordinance.

(g) If:

(1) the legislative body adopts an ordinance under subsection (d); and

(2) not later than thirty (30) days after the date the ordinance is adopted at least the number of the registered voters of the municipality set forth in subsection (h) sign and present a petition to the legislative body opposing the sale or disposition;

the legislative body shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special **election, subject to IC 3-10-9-1.5, or the next** general election. In submitting the public question to the voters, the legislative body shall certify within the time set forth in IC 3-10-9-3, if applicable, the question to the county election board of the county containing the greatest percentage of population of the municipality. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale or disposition shall be made to the voters of the municipality at a special **election or the next** general election on a date specified by the municipal legislative body, **subject to IC 3-10-9-1.5**. Pending the results of an election under this subsection, the municipality may not take further action to sell or dispose of the property as provided in the ordinance.

(h) The number of signatures required on a petition opposing the sale or disposition under subsection (g) is as follows:

(1) In a municipality with not more than one thousand (1,000) registered voters, thirty percent (30%) of the registered voters.

(2) In a municipality with at least one thousand one (1,001) registered voters and not more than five thousand (5,000) registered voters, fifteen percent (15%) of the registered voters.

(3) In a municipality with at least five thousand one (5,001) registered voters and not more than twenty-five thousand (25,000) registered voters, ten percent (10%) of the registered voters.

(4) In a municipality with at least twenty-five thousand one (25,001) registered voters, five percent (5%) of the registered voters.

(i) If a majority of the voters voting on the question vote for the sale or disposition, the legislative body shall proceed to sell or dispose of the property as provided in the ordinance.

(j) If a majority of the voters voting on the question vote against the sale or disposition, the ordinance adopted under subsection (d) does not



take effect and the sale or disposition may not be made.

(k) If:

(1) the legislative body adopts an ordinance under subsection (d);
and

(2) after the expiration of the thirty (30) day period described in
subsection (g), a petition is not filed;

the municipal legislative body may proceed to sell the property as
provided in the ordinance.

(l) Notwithstanding the procedures set forth in this section, if: ~~a~~
~~municipality:~~

(1) before July 1, 2015, **a municipality** adopts an ordinance under
this section for the sale or disposition of nonsurplus municipally
owned utility property in accordance with the procedures set forth
in this section before its amendment on July 1, 2015; and

(2) the ordinance adopted takes effect before July 1, 2015, in
accordance with the procedures set forth in this section before its
amendment on July 1, 2015;

the ordinance is not subject to challenge under subsection (g) after June
30, 2015, regardless of whether the thirty (30) day period described in
subsection (g) expires after June 30, 2015. An ordinance described in
this subsection is effective for all purposes and is legalized and
validated.

SECTION 9. IC 20-23-4-21, AS ADDED BY P.L.1-2005,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2016]: Sec. 21. (a) If the chairperson of the county committee
does not receive the certification or combined certifications under
section 20(f) of this chapter not later than ninety (90) days after the
receipt by the county committee of the plan referred to in section 20(a)
of this chapter, the judge of the circuit court of the county from which
the county committee submitting the plan was appointed shall:

(1) certify the public question under IC 3-10-9-3; and

(2) **subject to IC 3-10-9-1.5**, order the county election board to
conduct a special election in which the registered voters residing
in the proposed community school corporation may vote to
determine whether the corporation will be created.

(b) ~~If:~~

~~(1) a primary election at which county officials are nominated; or~~

~~(2) a general election at which county officials are elected;~~

~~and for which the question can be certified in compliance with~~
~~IC 3-10-9-3 is to be held not later than six (6) months after the receipt~~
~~by the chairperson of the county committee of the plan referred to in~~
~~section 20(a) of this chapter; Regardless of whether the ninety (90) day~~



period referred to in subsection (a) has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election.

~~(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b); the special election shall be held:~~

~~(1) not earlier than sixty (60) days; and~~

~~(2) not later than one hundred twenty (120) days;~~

~~after the expiration of the ninety (90) day period referred to in subsection (a):~~

~~(d) (c)~~ The county election board shall give notice under IC 5-3-1 of the special election referred to in subsection (a).

~~(e) (d)~~ The notice referred to in subsection ~~(d) (c)~~ of a special election must:

(1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;

(2) contain:

(A) a general description of the boundaries of the community school corporation as set out in the plan;

(B) a statement of the terms of adjustment of:

(i) property;

(ii) assets;

(iii) debts; and

(iv) liabilities;

of an existing school corporation that is to be divided in the creation of the community school corporation;

(C) the name of the community school corporation;

(D) the number of members comprising the board of school trustees; and

(E) the method of selecting the board of school trustees of the community school corporation; and

(3) designate the date **(subject to IC 3-10-9-1.5)**, time, and voting place or places at which the election will be held.

~~(f) (e)~~ A special election referred to in subsection (a) is under the direction of the county election board in the county. The election board shall take all steps necessary to carry out the special election. ~~If the special election is not conducted at a primary or general election, the cost of conducting the election is:~~

~~(1) charged to each component school corporation embraced in the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total~~



1 assessed valuation of the community school corporation; and

2 (2) paid:

3 (A) from any current operating fund not otherwise
4 appropriated of; and

5 (B) without appropriation by;

6 each component school corporation.

7 If a component school corporation is to be divided and its territory
8 assigned to two (2) or more community corporations, the component
9 school corporation's cost of the special election is in proportion to the
10 corporation's assessed valuation included in the community school
11 corporation.

12 ~~(g)~~ (f) The county election board shall place the public question on
13 the ballot in the form prescribed by IC 3-10-9-4. The public question
14 must state "Shall the (here insert name) community school corporation
15 be formed as provided in the Reorganization Plan of the County
16 Committee for the Reorganization of School Corporations?". Except as
17 otherwise provided in this chapter, the election is governed by IC 3.

18 ~~(h)~~ (g) If a majority of the votes cast at a special election referred to
19 in subsection (a) on the public question ~~are~~ **is** in favor of the formation
20 of the corporation, a community school corporation is created and takes
21 effect on the earlier of:

22 (1) the July 1; or

23 (2) the January 1;

24 that next follows the date of ~~publication of the notice referred to in~~
25 ~~subsection (d): the election at which the public question is approved~~
26 **by the voters.**

27 ~~(i)~~ (h) If a public official fails to perform a duty required of the
28 official under this section within the time prescribed in this section, the
29 omission does not invalidate the proceedings taken under this section.

30 ~~(j)~~ (i) An action:

31 (1) to contest the validity of the formation or creation of a
32 community school corporation under this section;

33 (2) to declare that a community school corporation:

34 (A) has not been validly formed or created; or

35 (B) is not validly existing; or

36 (3) to enjoin the operation of a community school corporation;
37 may not be instituted later than thirty (30) days after the date of the
38 special election referred to in subsection (a).

39 SECTION 10. IC 20-23-4-23, AS ADDED BY P.L.1-2005,
40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2016]: Sec. 23. (a) If a proposal for the formation of a
42 community school corporation is rejected by the voters at the special



election provided for in this chapter, the county committee shall:

(1) subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected; or

(2) subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.

(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not later than six (6) months after the date of the special election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a)(2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected, ~~If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected; subject to IC 3-10-9-1.5.~~ The special election must be held in conjunction with ~~the~~ a primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. The special election is held in the same manner required for the holding of a special election under section 21 of this chapter. Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter.

SECTION 11. IC 20-23-6-5, AS AMENDED BY P.L.1-2006, SECTION 315, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive



1 weeks in a newspaper of general circulation in the school corporation.
 2 If a newspaper is not published in the:

- 3 (1) township;
- 4 (2) town; or
- 5 (3) city;

6 the notice shall be published in the nearest newspaper published in the
 7 county or counties, that on a day and at an hour to be named in the
 8 notice, the polls will be open at the usual voting places in the various
 9 precincts in the corporation for taking the vote of the legal voters upon
 10 whether the school corporation shall be consolidated with the other
 11 school corporations joining in the resolution.

12 (c) The public question shall be placed on the ballot in the form
 13 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 14 corporation) be consolidated with (insert names of other school
 15 corporations)?".

16 ~~(d) Notice shall be given not later than thirty (30) days after the~~
 17 ~~petition is filed. The election shall be held not less than ten (10) days~~
 18 ~~or more than twenty (20) days after the last publication of the notice.~~

19 ~~(e) The governing body of each school corporation in which an~~
 20 ~~election is held is bound by the majority vote of those voting. However,~~
 21 ~~if the election falls within a period of not more than six (6) months~~
 22 ~~before a primary or general election, the election shall be held~~
 23 ~~concurrently with the next primary or general election, as determined~~
 24 ~~by the county election board.~~

25 ~~(f) (e)~~ If a majority of those voting in any one (1) school corporation
 26 votes against the plan of consolidation, the plan fails. However, the
 27 failure does not prevent any or all the school corporations from taking
 28 further initial action for the consolidation of school corporations under
 29 this chapter.

30 ~~(g) (f)~~ Whenever twenty percent (20%) of the legal voters residing
 31 in any school corporation, jointly with twenty percent (20%) of the
 32 legal voters in each of one (1) or more other school corporations:

- 33 (1) prepare a resolution; and
- 34 (2) petition the trustees of their respective school corporations to
- 35 consolidate the school corporations, as set out in the resolution;
- 36 each governing body petitioned shall call the school election provided
- 37 for in this chapter in its school corporations.

38 ~~(h) (g)~~ Notice of the election shall be ~~published within thirty (30)~~
 39 ~~days after the filing of the resolution with the governing body of the~~
 40 ~~school corporation where it is last filed. given as provided in IC 5-3-1.~~
 41 However, if any of the petitioned governing bodies agrees to the
 42 consolidation as set out in the resolution, an election in that school



corporation may not be required under the resolution.

(i) (h) Notice as set out in this section shall be given, and a protest requesting an election may be filed in conformity with section 3 of this chapter.

SECTION 12. IC 20-23-7-2, AS AMENDED BY P.L.233-2015, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) In any county or adjoining counties at least two (2) school corporations, including school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, township school districts, or community school corporations, regardless of whether the consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation must be initiated by following either of the following procedures:

(1) The ~~board of school trustees, board of education, or other governing body (the board or other governing body is referred to elsewhere in this section as the "governing body")~~ of each school corporation to be consolidated shall:

(A) adopt substantially identical resolutions providing for the consolidation; and

(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.

The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days after publication of the resolution, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in the school corporation is filed with the ~~clerk of the circuit court clerk~~ of each county where the voters who are eligible to sign the petition reside, a referendum election shall be held as provided in subsection (c).

(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations under subdivision (1), a referendum election under subsection (c) shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the ~~clerk~~



1 ~~of the~~ circuit court **clerk** of each county where the voters who
2 are eligible to sign the petition reside.

3 (C) Not more than thirty (30) days after the service of the
4 petition by the ~~clerk of the~~ circuit court **clerk** to the governing
5 body of the responding school corporation under subsection
6 (b) and the certification of signatures on the petition occurs
7 under subsection (b), the governing body of the responding
8 school corporation adopts a resolution approving the petition
9 and providing for the consolidation.

10 (D) An approving resolution has the same effect as the
11 substantially identical resolutions adopted by the governing
12 bodies under subdivision (1), and the governing bodies shall
13 publish the notice provided under subdivision (1) not more
14 than fifteen (15) days after the approving resolution is adopted.
15 However, if a governing body that is a party to the
16 consolidation fails to publish notice within the required fifteen
17 (15) day time period, a referendum election still must be held
18 as provided in subsection (c).

19 If the governing body of the responding school corporation does
20 not act on the petition within the thirty (30) day period described
21 in clause (C), the governing body's inaction constitutes a
22 disapproval of the petition request. If the governing body of the
23 responding school corporation adopts a resolution disapproving
24 the petition or fails to act within the thirty (30) day period, a
25 referendum election as described in subsection (c) may not be
26 held and the petition requesting the consolidation is defeated.

27 (b) Any petition of protest under subsection (a)(1) or a petition
28 requesting consolidation under subsection (a)(2) must show in the
29 petition the date on which each person has signed the petition and the
30 person's residence on that date. The petition may be executed in several
31 counterparts, the total of which constitutes the petition. Each
32 counterpart must contain the names of voters residing within a single
33 county and shall be filed with the ~~clerk of the~~ circuit court **clerk** of the
34 county. Each counterpart must have attached to it the affidavit of the
35 person circulating the counterpart that each signature appearing on the
36 counterpart was affixed in that person's presence and is the true and
37 lawful signature of each person who made the signature. Any signer
38 may file the petition or any counterpart of the petition. Each signer on
39 the petition may before and may not after the filing with the clerk
40 withdraw the signer's name from the petition. A name may not be
41 added to the petition after the petition has been filed with the clerk.
42 After the receipt of any counterpart of the petition, each circuit court



1 clerk shall certify:

- 2 (1) the number of persons signing the counterpart;
- 3 (2) the number of persons who are registered voters residing
- 4 within that part of the school corporation located within the
- 5 clerk's county, as disclosed by the voter registration records in the
- 6 office of the clerk or the board of registration of the county, or
- 7 wherever registration records may be kept;
- 8 (3) the total number of registered voters residing within the
- 9 boundaries of that part of the school corporation located within
- 10 the county, as disclosed in the voter registration records; and
- 11 (4) the date of the filing of the petition.

12 Certification shall be made by each ~~clerk of the~~ circuit court **clerk** not
 13 more than thirty (30) days after the filing of the petition, excluding
 14 from the calculation of the period any time during which the
 15 registration records are unavailable to the clerk, or within any
 16 additional time as is reasonably necessary to permit the clerk to make
 17 the certification. In certifying the number of registered voters, the ~~clerk~~
 18 ~~of the~~ circuit court **clerk** shall disregard any signature on the petition
 19 not made within the ninety (90) days immediately before the filing of
 20 the petition with the clerk as shown by the dates set out in the petition.
 21 The ~~clerk of the~~ circuit court **clerk** shall establish a record of the
 22 certification in the clerk's office and shall serve the original petition
 23 and a copy of the certification on the county election board under
 24 IC 3-10-9-3 and the governing bodies of each affected school
 25 corporation. Service shall be made by mail or manual delivery to the
 26 governing bodies, to any officer of the governing bodies, or to the
 27 administrative office of the governing bodies, if any, and shall be made
 28 for all purposes of this section on the day of the mailing or the date of
 29 the manual delivery.

30 (c) The county election board in each county where the proposed
 31 metropolitan school district is located, acting jointly where the
 32 proposed metropolitan school district is created and where it is located
 33 in more than one (1) county, shall cause any referendum election
 34 required under either subsection (a)(1) or (a)(2) to be **held in put to the**
 35 **voters of** the entire proposed metropolitan district at a special election
 36 ~~The special election shall be not less than sixty (60) days and not more~~
 37 ~~than ninety (90) days after the service of the petition of protest and~~
 38 ~~certification by each clerk of the circuit court under subsection (a)(1)~~
 39 ~~or (a)(2) or after the occurrence of the first action requiring a~~
 40 ~~referendum under subsection (a)(2). However, if a held at the first~~
 41 ~~primary or general election at which county officials are to be~~
 42 ~~nominated or elected; or at which city or town officials are to be elected~~



1 in those areas of the proposed metropolitan school district that are
 2 within the city or town; is to be held after the sixty (60) days and not
 3 more than six (6) months after the service. or the occurrence of the first
 4 action; each election board may hold the referendum election with the
 5 primary or general election.

6 (d) Notice of the special election shall be given by each election
 7 board by publication under IC 5-3-1.

8 (e) Except where it conflicts with this section or cannot be
 9 practicably applied, IC 3 applies to the conduct of the referendum
 10 election. If the referendum election is not conducted at a primary or
 11 general election; the cost of conducting the election shall be charged to
 12 each component school corporation included in the proposed
 13 metropolitan school district in the same proportion as its assessed
 14 valuation bears to the total assessed valuation of the proposed
 15 metropolitan school district and shall be paid from any current
 16 operating fund of each component school corporation not otherwise
 17 appropriated; without appropriation.

18 (f) The question in the referendum election shall be placed on the
 19 ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the
 20 school corporations of _____ be formed into one (1) metropolitan
 21 school district under IC 20-23-7?" (in which blanks the respective
 22 name of the school districts concerned will be inserted).

23 (g) If:

24 (1) a protest petition with the required signatures is not filed after
 25 the adoption of substantially identical resolutions of the governing
 26 bodies providing for or approving the consolidation as described
 27 in subsection (a)(1); or

28 (2) a referendum election occurs in the entire proposed
 29 metropolitan district and a majority of the voters in each proposed
 30 consolidating school corporation vote in the affirmative;

31 a metropolitan school district is created and comes into existence in the
 32 territory subject to the provisions and under the conditions described
 33 in this chapter. The boundaries include all of the territory within the
 34 school corporations, and it shall be known as "Metropolitan School
 35 District of _____, Indiana" (the name of the district concerned will
 36 be inserted in the blank). The name of the district shall be decided by
 37 a majority vote of the metropolitan governing board of the metropolitan
 38 school district at the first meeting. The metropolitan governing board
 39 of the new metropolitan school district shall be composed and elected
 40 under this chapter. The failure of any public official or body to perform
 41 any duty within the time provided in this chapter does not invalidate
 42 any proceedings taken by that official or body, but this provision shall



not be construed to authorize a delay in the holding of a referendum election under this chapter.

(h) If the governing body of a school corporation is involved in a consolidation proposal under subsection (a)(1) or (a)(2) that fails to result in a consolidation, the:

(1) governing body of the school corporation may not initiate a subsequent consolidation with another school corporation under subsection (a)(1); and

(2) residents of the school corporation may not file a petition requesting a consolidation with another school corporation under subsection (a)(2);

for one (1) year after the date on which the prior consolidation proposal failed.

SECTION 13. IC 20-46-1-11, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 11. **(a) Except as provided in subsection (d) or (e), this section applies only to a referendum held under this chapter before January 1, 2016.**

(b) The voters in a referendum may not approve a levy that is imposed for more than seven (7) years. ~~However,~~

(c) A levy may be reimposed or extended under this chapter.

(d) This subsection applies to a levy if the last year of the levy is 2017. If the governing body of the school corporation wants to reimpose or extend the levy, the referendum must be put to the voters of the school corporation at a special election held not later than December 31, 2017. If a referendum is put to the voters as provided in this subsection, section 11.1 of this chapter applies to that referendum levy and to a subsequent reimposition or extension of that levy.

(e) This subsection applies to a levy if the last year of the levy is 2021. If the governing body of the school corporation wants to reimpose or extend the levy, the referendum must be put to the voters of the school corporation at an election held not later than 2020, notwithstanding the provisions of this chapter, as in effect before January 1, 2016. If a referendum is put to the voters as provided in this subsection, the following apply:

(1) Section 11.1 of this chapter applies to the referendum levy and to a subsequent reimposition or extension of that levy.

(2) If the new levy is approved in the referendum described in this subsection, the first year of the new levy is 2021.

(3) If the new levy is not approved in the referendum described in this subsection, the previous levy approved under



1 **this chapter continues during 2021 as previously approved by**
 2 **the voters of the school corporation.**

3 SECTION 14. IC 20-46-1-11.1 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 11.1. (a)**
 6 **This section applies only to a referendum held under this chapter**
 7 **after December 31, 2015.**

8 **(b) A levy approved by the voters under this section:**

9 **(1) must be imposed for an even number of years; and**

10 **(2) may not be imposed for more than eight (8) years.**

11 **(c) A levy may be reimposed or extended under this chapter.**

12 SECTION 15. IC 20-46-1-14, AS AMENDED BY P.L.166-2014,
 13 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2016 (RETROACTIVE)]: Sec. 14. ~~(a)~~ The referendum
 15 shall be held in the next primary election, general election, or
 16 municipal election in which all the registered voters who are residents
 17 of the appellant school corporation are entitled to vote after
 18 certification of the question under IC 3-10-9-3. The certification of the
 19 question must occur not later than noon:

20 (1) sixty (60) days before a primary election if the question is to
 21 be placed on the primary or municipal primary election ballot; or

22 (2) August 1 if the question is to be placed on the general or
 23 municipal election ballot.

24 However, if a primary election, general election, or municipal election
 25 will not be held during the first year in which the public question is
 26 eligible to be placed on the ballot under this chapter and if the
 27 appellant school corporation requests the public question to be placed
 28 on the ballot at a special election, the public question shall be placed
 29 on the ballot at a special election to be held on the first Tuesday after
 30 the first Monday in May or November of the year. The certification
 31 must occur not later than noon:

32 (1) sixty (60) days before a special election to be held in May (if
 33 the special election is to be held in May); or

34 (2) on August 1 (if the special election is to be held in
 35 November).

36 (b) If the referendum is not conducted at a primary election, general
 37 election, or municipal election, the appellant school corporation in
 38 which the referendum is to be held shall pay all the costs of holding the
 39 referendum.

40 SECTION 16. IC 20-46-1-17, AS AMENDED BY P.L.198-2011,
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2016 (RETROACTIVE)]: Sec. 17. Each precinct



election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, **the following apply:**

(1) The department of local government finance shall promptly notify the school corporation that the school corporation is authorized to collect, for the calendar year that next follows the calendar year in which the referendum is held, a levy not greater than the amount approved in the referendum.

(2) The levy may be imposed for the number of calendar years approved by the voters following the referendum for the school corporation in which the referendum is held. **and However, the number of years must be an even number of years.**

(3) The school corporation shall establish a fund under IC 20-40-3-1.

SECTION 17. IC 20-46-1-19, AS AMENDED BY P.L.155-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 19. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question:

(1) the school corporation may not make any levy for its referendum tax levy fund; and

(2) another referendum under this section may not be held:

(A) earlier than three hundred fifty (350) days after the date of the referendum; **or**

(B) **during a nonelection year (as defined in IC 3-5-2-33.2).**

SECTION 18. IC 36-1-1.5-8, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The following apply if the voters of an eligible municipality file a sufficient petition under section 7 of this chapter:

(1) The clerk of the eligible municipality shall certify the petition to the county election board.

(2) A special election on the public question shall be held in the eligible municipality in the manner prescribed by IC 3-10-8-6.

The special election shall be held on a date that:

(A) is determined by the legislative body of the eligible municipality; and

(B) **subject to IC 3-10-9-1.5, is held at the same time as a**



- 1 **primary, general, or municipal election** not more than one
 2 (1) year after the date on which the clerk of the eligible
 3 municipality certifies the petition to the county election board.
 4 (3) The clerk of the eligible municipality shall give notice of the
 5 special election by publication in the manner prescribed by
 6 IC 5-3-1.
 7 ~~(4) The eligible municipality shall pay the costs of holding the~~
 8 ~~special election.~~
 9 ~~(5)~~ (4) The county election board shall place the following
 10 question on the ballot in the eligible municipality:
 11 "Shall the territory of _____ (insert the name of the
 12 eligible municipality) be transferred from _____
 13 (insert the name of the transferor township) to an adjacent
 14 township?".
 15 ~~(6)~~ (5) After the special election on the public question is held,
 16 the county election board:
 17 (A) shall file with the clerk of the eligible municipality the
 18 results of the special election for each precinct of the eligible
 19 municipality in the manner prescribed by IC 3-12-4; and
 20 (B) shall certify a copy of the results of the special election to:
 21 (i) the county auditor;
 22 (ii) the legislative body and executive of the eligible
 23 municipality; and
 24 (iii) the legislative body and executive of each township that
 25 includes territory of the eligible municipality.
 26 SECTION 19. IC 36-5-1-2, AS AMENDED BY P.L.147-2013,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2016]: Sec. 2. (a) Proceedings to incorporate a town may be
 29 instituted by filing a written petition in quadruplicate with the
 30 executive of the county that contains all or a majority of the territory
 31 sought to be incorporated. The petition must be signed by at least ten
 32 percent (10%) of the owners of land in the territory and must state the
 33 following:
 34 (1) The territory is used or will, in the reasonably foreseeable
 35 future, be used generally for commercial, industrial, residential,
 36 or similar purposes.
 37 (2) The territory is reasonably compact and contiguous.
 38 (3) There is enough undeveloped land in the territory to permit
 39 reasonable growth of the town.
 40 (4) Incorporation is in the best interests of the citizens of the
 41 territory.
 42 (5) The name, telephone number, and electronic mail address (if



available) of the contact person for the petitioners.

~~(6) If the petitioners want the incorporation to be approved by a public question at a special election, that the petitioners agree to pay the costs of the special election.~~

(b) The signatures of the petitioners must be verified, and the verification must include a statement that the petitioners are owners of land in the territory sought to be incorporated.

(c) In determining the number of petitioners, not more than one (1) person having an interest in a single parcel of land may be counted, and a person owning more than one (1) parcel of land in the area may be counted only once.

(d) The petition filed under subsection (a) must be accompanied by the ordinance of any city required to consent to the incorporation under section 7 of this chapter.

SECTION 20. IC 36-5-1-8, AS AMENDED BY P.L.216-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

(1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.

(2) That the proposed town is reasonably compact and contiguous.

(3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

(4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

(A) Police protection.

(B) Fire protection.

(C) Street construction, maintenance, and lighting.

(D) Sanitary sewers.

(E) Storm sewers.

(F) Health protection.

(G) Parks and recreation.

(H) Schools and education.

(I) Planning, zoning, and subdivision control.

(J) One (1) or more utility services.

(K) Stream pollution control or water conservation.

(5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

(6) That incorporation is in the best interest of the territory



involved. This finding must include a consideration of:

- (A) the expected growth and governmental needs of the area surrounding the proposed town;
- (B) the extent to which another unit can more adequately and economically provide essential services and functions; and
- (C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

(b) If the county executive determines that the petition satisfies the requirements set forth in subsection (a), the county executive may do any of the following:

- (1) Adopt an ordinance under section 10.1 of this chapter incorporating the town.
- (2) Deny the petition.
- (3) Adopt a resolution to place a public question concerning the incorporation on the ballot at **an a special election** ~~The county executive shall request a date for the election as follows:~~

~~(A) If the county executive requests the public question be held on the same date as a general election or primary election.~~

~~(i) The resolution must state that the election is to be on the same date as a general or primary election, and must be certified in accordance with IC 3-10-9-3. and~~

~~(ii) The election must be held on the date of the next general election or primary election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.~~

~~(B) If a petition contains a request for a special election, the county executive may request that the public question concerning the incorporation will be on the ballot of a special election. An election may be considered a special election only if it is conducted on a date other than the date of a general election or primary election. The date of the special election must be:~~

~~(i) at least seventy-four (74) and not more than one hundred four (104) days after the notice of the election is filed under IC 3-10-8-4; and~~

~~(ii) not later than the next general election or primary election, whichever is earlier.~~

~~If the public question is on the ballot of a special election, the petitioners shall pay the costs of holding the special election.~~

If the county executive adopts a resolution under this subdivision,



the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated.

(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

"Shall (insert a description of the territorial boundaries) be incorporated as a town?".

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

(1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.

(2) The information provided under section 3(3) through 3(6) of this chapter.

(3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.

(4) A statement that the petition is available for inspection and copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

(1) vote "no" on the public question, the territory is not incorporated as a town and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or

(2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

(f) The circuit court clerk shall certify the results of a public question under this section to the following:

(1) The county executive of each county in which the proposed incorporated territory is located.

(2) The county auditor of each county in which the proposed



1 incorporated territory is located.

2 (3) The department of local government finance.

3 (4) The department of state revenue.

4 (5) The state board of accounts.

5 (6) The office of the secretary of state.

6 (7) The office of census data established by IC 2-5-1.1-12.2.

7 (8) The election division.

8 SECTION 21. IC 36-5-2-4.2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.2. (a) This section
10 applies to the alteration of the number of members of a legislative
11 body.

12 (b) The legislative body may adopt a resolution to submit a public
13 question on the number of legislative body members to the voters of the
14 town. The resolution must state the following:

15 (1) The proposed number of legislative body members, which
16 must be at least three (3) and not more than seven (7).

17 (2) The date of the general ~~or~~ municipal ~~or special~~ election at
18 which the public question will appear on the ballot.

19 (3) That the following question will be placed on the ballot in the
20 form provided by IC 3-10-9-4:

21 "Shall the number of town council members be increased (or
22 decreased, if applicable) from _____ (insert the current
23 number of members provided for) to _____ (insert the
24 number of members proposed in the resolution)?"

25 (c) IC 3 applies to an election conducted under subsection (b). If the
26 county election board will conduct the election at which the public
27 question will be submitted, the question must be certified to the board
28 under IC 3-10-9-3.

29 (d) If a majority of the votes cast on the question under subsection
30 (b) are in the negative, the legislative body may not adopt a resolution
31 under subsection (b) for at least one (1) year following the date the
32 prior resolution was adopted.

33 (e) If a majority of votes cast on the question under subsection (b)
34 are in the affirmative, the legislative body shall adopt an ordinance at
35 its next regular meeting following the election altering the number of
36 legislative body members to the number specified in the public
37 question. The legislative body may also alter existing districts and
38 establish new districts in the manner prescribed by IC 36-5-1-10.1. An
39 ordinance adopted under this subsection becomes effective January 1
40 following its adoption.

41 (f) If the number of legislative body members is increased, the
42 legislative body shall fill any resulting vacancy under IC 3-13-9-4. The



1 legislative body may fill the vacancy before the ordinance described in
 2 subsection (e) takes effect. However, a town legislative body member
 3 appointed under this subsection does not assume office until the
 4 beginning of the term specified in section 3 of this chapter.

5 SECTION 22. IC 36-10-3-35 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. (a) If the fiscal
 7 body approves the petition and adopts the ordinance presented under
 8 section 34 of this chapter, the ordinance takes effect.

9 (b) After the adoption of the ordinance, the fiscal body shall certify
 10 the question under IC 3-10-9-3 to the county election board of the
 11 county containing the greatest percentage of population of the
 12 municipality and fix a date for a special election to be held ~~not later~~
 13 ~~than ninety (90) days after adoption. However, if a~~ **at the next** primary,
 14 general, or municipal election **that** will be conducted in each precinct
 15 in the affected area ~~not later than six (6) months~~ after the ordinance is
 16 adopted. ~~the special election shall be conducted on the same day as the~~
 17 ~~primary, general, or special election.~~ The election shall be held by the
 18 county election board in the area described in the petition. IC 3-10-8-6
 19 applies to the special election. Any voter residing in the affected area
 20 may vote in the election **on the public question.**

21 (c) The county election board shall give public notice of the special
 22 election in accordance with IC 3-10-2-2.

23 (d) The ballot must be in the form prescribed by IC 3-10-9-4 and
 24 must state "Shall park and recreation services be extended?".

25 (e) ~~If the special election is not conducted at a general election;~~
 26 ~~municipal election; or primary election; the fiscal body shall~~
 27 ~~appropriate a sum sufficient to defray the cost of the ballots and to pay~~
 28 ~~the expense of the election as prescribed by IC 3. The appropriation~~
 29 ~~may be from the general fund or by transfer from the operating budget~~
 30 ~~of the department.~~

31 SECTION 23. **An emergency is declared for this act.**

